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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,307	07/22/2004	Roberto Burioni	937-PCT-US	9195
7590	04/30/2008		EXAMINER	
<b>Albert Wai-Kit Chan</b> Law Offices of Albert Wai-Kit Chan 141-07 20th Avenue World Plaza, Suite 604 Whitestone, NY 11357				ART UNIT
				PAPER NUMBER

DATE MAILED: 04/30/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10502307	7/22/04	BURIONI, ROBERTO	937-PCT-US

EXAMINER

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ART UNIT      PAPER

1648

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Commissioner for Patents

The amendment filed on March 5, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the new claims are drawn to a method of using the elected products. This method fails to share a common special technical feature with the claimed antibodies for substantially the same reasons as indicated with respect to the previously submitted and withdrawn method claims in the Restriction Requirement of August 23, 2006. Applicant's attention is further directed to MPEP section 819, indicating that the policy of the Office is not to permit a shift in the invention elected, even where an RCE has been filed.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachariah Lucas whose telephone number is (571)272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zachariah Lucas/  
Primary Examiner, Art Unit 1648